

DRAFT PROPOSED RULE 1143

**CONSUMER PAINT THINNERS &
MULTI-PURPOSE SOLVENTS**

(a) Purpose

The purpose of this rule is to reduce emissions of volatile organic compounds (VOCs) from the use, storage and disposal of paint thinner and multi-purpose solvent materials commonly used in thinning of coating materials, cleaning of coating application equipment, and other solvent cleaning operations by limiting their VOC content.

(b) Applicability

This rule is applicable to any person who supplies, sells, offers for sale, or manufactures paint thinners and multi-purpose solvent materials for sale in the District, as well as any person who uses or solicits the use of any paint thinner and multi-purpose solvent within the District.

(c) Definitions

For the purpose of this rule, the following definitions shall apply:

- (1) CONSUMER means any person who seeks, purchases, or acquires any consumer product for personal, family, household, or institutional use. Persons acquiring a consumer product for resale are not “consumers” for that product.
- (2) DISTRIBUTOR means any person to whom a consumer product is sold or supplied for the purposes of resale or distribution in commerce, except that manufacturers, retailers, and consumers are not distributors.
- (3) FORMULATION DATA is the actual product recipe which itemizes all the ingredients contained in a product including VOCs and the quantities thereof used by the manufacturer to create the product. Material Safety Data Sheets (MSDS) are not considered formulation data.
- (4) GRAMS OF VOC PER LITER OF MATERIAL is the weight of VOC per volume of material and can be calculated by the following equation:

$$\text{Grams of VOC per Liter of Material} = \frac{W_s - W_w - W_{es}}{V_m}$$

Where: W_s = weight of volatile compounds in grams
 W_w = weight of water in grams

W_{es} = weight of exempt compounds in grams
 V_m = volume of the material in liters

- (5) **INDUSTRIAL MAINTENANCE COATINGS** are coatings, including primers, sealers, undercoaters, intermediate coatings and topcoats, formulated for or applied to substrates, including floors that are exposed to one or more of the following extreme environmental conditions:
- (A) immersion in water, wastewater, or chemical solutions (aqueous and non-aqueous solutions), or chronic exposure of interior surfaces to moisture condensation;
 - (B) acute or chronic exposure to corrosive, caustic or acidic agents, or similar chemicals, chemical fumes, chemical mixtures, or solutions;
 - (C) repeated exposure to temperatures in excess of 250 degrees Fahrenheit;
 - (D) repeated heavy abrasion, including mechanical wear and repeated scrubbing with industrial solvents, cleaners, or scouring agents; or
 - (E) exterior exposure of metal structures.
- (6) **LACQUER THINNERS** are solvents that are manufactured for the purpose of thinning, diluting, dissolving, and for clean-up of lacquer coatings.
- (7) **MULTI-PURPOSE SOLVENTS** are solvents that do not display specific use instructions on the product container or packaging; products that do not specify an end-use function or application on the product container or packaging and solvents used in institutional facilities, except for laboratory reagents used in analytical, educational, research, scientific or other laboratories.

Notwithstanding the above, multi-purpose solvents do not include solvents used in cold cleaners, vapor degreasers, conveyORIZED degreasers or film cleaning machines, or solvents that are incorporated into, or used exclusively in the manufacture or construction of, the goods or commodities at the site of the establishment. "Multi-purpose Solvent" also does not include any product making any representation that the product may be used as, or is suitable for use as a consumer product which qualifies under another definition in section 94508; such products are not

Multi-purpose Solvents and are subject to the “Most Restrictive Limit” provision of section 94512.

- (8) PAINT THINNER are solvents that are manufactured for the purpose of reducing the viscosity of coating compositions or components and displays the term “Paint Thinner,” “Lacquer Thinner,” “Thinner,” or “Reducer” on the front panel of its packaging.
 - (9) PERSON means any individual, firm, association, organization, partnership, business trust, corporation, company, contractor, supplier, installer, user or owner, or any state or local governmental agency or public district or any other officer or employee thereof. PERSON also means the United States or its agencies to the extent authorized by Federal law.
 - (10) RETAIL OUTLET means any establishment at which consumer products are sold, supplied, or offered for sale directly to consumers.
 - (11) SOLICIT is to require for use or to specify, by written or oral contract.
 - (12) SOLVENTS include diluents and thinners and are defined as organic materials which are liquids at standard conditions and which are used as dissolvers, viscosity reducers or cleaning agents.
 - (13) SOLVENT CLEANING is the removal of adhesives, inks, coatings, and contaminants which include, but are not limited to, dirt, soil, and grease from parts, products, tools, machinery, equipment, and general work areas.
 - (14) SOLVENT FLUSHING is the use of a solvent to remove adhesives, inks, coatings, or contaminants from the internal surfaces and passages of the equipment by inducing a rapid flow of solvent through the equipment.
 - (15) VOC (VOLATILE ORGANIC COMPOUND) is as defined in Rule 102.
- (d) Requirements
- (1) Except as provided in paragraph (d)(2), no person shall supply, sell, offer for sale, manufacture, blend, or repackage any consumer paint thinner or multi-purpose solvent for use in the District which, at the time of sale or manufacture, that exceeds 25 grams per liter of material (0.21 pounds per gallon) VOC after any dilution and no person shall use or solicit the use of any consumer paint thinner or multi-purpose solvent within the District

that exceeds 25 grams per liter of material (0.21 pounds per gallon) VOC, effective January 1, 2010.

(2) Sell-Through Provision

Any solvent that is manufactured prior to the implementation date, may be sold, supplied, offered for sale, or used for up to six months after the specified effective date. The manufacturer shall maintain sales and distribution records, as applicable, for any solvent manufactured prior to the effective date. Such records shall clearly indicate the date of manufacture (or date code or batch code), the name of the solvent and the volume of the solvent sold or distributed to distinguish those solvents subject to the provisions of this paragraph. These records shall be made available to the Executive Officer upon request and shall be maintained for a period of at least five years.

- (3) Any solvent container in which the contents therein are applied directly to a surface from said container by pouring, siphoning, brushing, rolling, padding, rag application or other means, shall be closed when not in use. These solvent containers include, but shall not be limited to: drums, buckets, cans, pails, trays or other application containers.

(e) Administrative Requirements

- (1) Point of sale containers, for sale or distribution, of any consumer paint thinner or multi-purpose solvent subject to this rule shall display the maximum VOC content, as supplied, and the maximum VOC content after any dilution as recommended by the manufacturer.
- (2) Point of sale containers, for sale or distribution, of any consumer paint thinner and multi-purpose solvents subject to this rule shall display the date of manufacture of the contents or a code indicating the date of manufacture. The manufacturers of such consumer paint thinners and multi-purpose solvents shall file with the Executive Officer of the District an explanation of each code.
- (3) Any manufacturer and any of their distributors that supply consumer paint thinners and multi-purpose solvents with intent to sell in the District shall submit an application as specified by the Executive Officer to apply for a distributor or manufacturer identification (ID) number by the applicable date in subdivision (h). The application form shall be signed by the responsible party for the distributors and manufacturers certifying that all

information submitted (including electronic submittals) is true and correct. The Executive Officer shall be notified in writing within 30 days of any change in the responsible party of the manufacturer.

- (4) On or before May 1, 2010, and each subsequent January 1 thereafter, all distributors and manufacturers subject to this rule shall provide to the District a list of all their U.S. distributors to whom they supply products subject to this rule, including but not limited to private label coatings and toll manufactured coatings. The list shall be in a format determined by the Executive Officer and shall include the distributors name, address, contact person and phone number.
- (5) Effective April 1, 2010, each manufacturer and distributor shall, on or before April 1 of each subsequent calendar year, submit an annual quantity and emissions report to the Executive Officer.

(f) Prohibition of Sale

- (1) Effective January 1, 2010, no person shall offer for sale, sell or distribute directly to a person any paint thinner or multi-purpose-solvent for use in the District which, at the time of sale or manufacture, contains more than 25 grams of VOC per liter of material (0.21 pounds per gallon) after recommended dilution, or
- (2) The prohibition of sale shall not apply to any manufacturer of paint thinners or multi-purpose-solvents provided that:
 - (A) The product was sold to an independent distributor that was informed in writing by the manufacturer about the compliance status of the product.
 - (B) The product meets one of the exemptions as noted in subdivision (k).
 - (C) The product meets the sell-through provision in paragraph (d)(2).

(g) Recordkeeping

- (1) Maintain a copy of the application receipt from the District. The receipt shall be maintained for five (5) years and made available upon request by the Executive Officer.
- (2) Maintain records to verify data necessary to determine annual paint thinner and multi-purpose solvent sales subject to this rule and VOC emissions in

the District, and compliance with applicable rules and regulations. The records shall be maintained for five (5) years and made available upon request by the Executive Officer. Such records shall include but not be limited to:

- (A) Product formulation records (to include grams of VOC per liter of material):
 - (i) Laboratory reports [including percent weight of non-volatiles, water, and exempts (if applicable); density of the coating; and raw laboratory data] of test methods conducted as specified in paragraph (j)(1) or
 - (ii) Product formulation data, including physical properties analyses, as applicable, with a VOC calculation demonstration; and
- (B) Production records including batch tickets with the date of manufacture, batch weight and volume; and
- (C) Distribution records:
 - (i) Customer lists or store distribution lists or both (as applicable) and
 - (ii) Shipping manifests or bills of lading or both (as applicable); and
- (D) Sales records consisting of point of sale receipts or invoices to local distributors or both, as applicable.

(h) Compliance Dates

- (1) Consumer paint thinner and multi-purpose solvent manufacturers that begin to manufacture, supply, sell or offer for sale consumer paint thinner and multi-purpose solvent products subject to this rule and for use in the District after July 1, 2009 shall:
 - (A) Submit the application required in paragraph (e)(3) no later than thirty (30) calendar days prior to manufacturing, supplying, selling, or offering for sale, any consumer paint thinner and multi-purpose solvent product subject to this rule and for use in the District.
- (2) Change in consumer paint thinner and multi-purpose solvent Manufacturer
 - (A) Within thirty (30) calendar days after a change of consumer paint thinner and multi-purpose solvent manufacturer, the new consumer paint thinner and multi-purpose solvent manufacturer shall submit

the application for a company ID number as required in paragraph (e)(3). That filing shall include the previous consumer paint thinner and multi-purpose solvent manufacturer's ID number.

(i) Confidentiality of Information

Subject to the provisions of the California Public Records Act (Govt. Code § 6250-6276.48) information submitted to the Executive Officer may be designated as confidential. District guidelines require a detailed and complete basis for such claim.

(j) Test Methods

For the purpose of this rule, the following test methods shall be used:

(1) Determination of VOC Content

The VOC content of materials subject to the provisions of this rule shall be determined by:

- (A) U.S. EPA Reference Test Method 24 (Determination of Volatile Matter Content, Water Content, Density, Volume Solids, and Weight Solids of Surface Coatings, Code of Federal Regulations Title 40, Part 60, Appendix A) with the exempt compound content determined by Method 303 (Determination of Exempt Compounds) in the SCAQMD "Laboratory Methods of Analysis for Enforcement Samples" manual; or
- (B) Method 304 [Determination of Volatile Organic Compounds (VOC) in Various Materials] in the SCAQMD "Laboratory Methods of Analysis for Enforcement Samples" manual.
- (C) Exempt Perfluorocarbon Compounds

The following classes of compounds:

cyclic, branched, or linear, completely fluorinated alkanes

cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;

cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations; and

sulfur-containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine

will be analyzed as exempt compounds for compliance with subdivision (d), only when manufacturers specify which individual compounds are used in the solvent formulations. In addition, the manufacturers must identify the U.S. EPA, CARB, and SCAQMD approved test methods, which can be used to quantify the amount of each exempt compound.

(2) Equivalent Test Methods

Other test methods determined to be equivalent upon approval in writing by the Executive Officer, CARB, and the U.S. EPA may also be used.

(3) Multiple Test Methods

When more than one test method or set of test methods are specified for any testing, a violation of any requirement of this rule established by any one of the specified test methods or set of test methods shall constitute a violation of the rule.

(4) All test methods referenced in this subdivision shall be the version most recently approved by the appropriate governmental entities.

(k) Exemptions

(1) The provisions of this rule shall not apply to:

- (A) Solvents sold in this District for shipment outside of this District or for shipment to other manufacturers for repackaging.
- (B) Solvents used for the cleaning of application equipment for polyaspartic and polyurea coatings when used as industrial maintenance coatings.
- (C) Laboratory reagents used in analytical, educational, research, scientific or other laboratories